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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,197	07/10/2001	Keith A. Jackson	47088-00046	8308

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JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 11/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,197

Applicant(s)

JACKSON, KEITH A.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16, 22, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 17-21, 23, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) 3, 22 and 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the minor platform panels being under the top platform in claims 4 and 28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. Claims 1, 2, 4, 6, 8, 17, 18, 23, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor, Jr. (3306516). Taylor, Jr. teaches a container with a bottom panel 3, first and second side panels 5, first and second end panels 37, first, second, third and fourth minor interior wall flaps connected to first and second side panels, and first and second platform structures (39, 55, 11).

Regarding claim 2, each hinged platform structure comprises a top platform (55,11), end folding flap 55, and side reinforcement flaps 41.

Regarding claims 4 and 28, the each hinged platform comprises minor platform panels 41 under the top platform.

Regarding claim 6, portion 11 is the roll over panel having rollover tabs 59.

Regarding claim 18, note the first and second minor platform panels 59 and side reinforcement flaps 41 extending from the folding flap 39 to the minor platform panels 59 as shown in Fig. 5.

Regarding claim 23, note the shoulder walls 21.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, Jr. in view of Roth (5333777). Taylor meets all claimed limitations except for the handle opening on the end panel. Roth teaches that it is known in the art to provide handle openings 12. It would have been obvious to one of ordinary skill in the art to provide handle openings 12 in Taylor, Jr. as taught by Roth to provide the desired location for the handle.

4. Claims 7, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, Jr. in view of Bemiss (2130445). Taylor, Jr. meets all claimed limitations except for the corrugated fiberboard having vertical corrugations on the side panels. Bemiss teaches that it is known in the art to provide vertical corrugations on the side panels 12. It would have been obvious to one of ordinary skill in the art to make the container from corrugated fiberboard having vertical corrugations on the side panels in Taylor, Jr. as taught by Bemiss to provide added support at the sidewall portion.

5. Claims 9, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, Jr. in view of Brundage (4883221). Taylor, Jr. meets all claimed limitations except for the cornered tabs. Brundage teaches that it is known in the art to provide cornered tabs 100-103. It would have been obvious to one of ordinary skill in the art to provide cornered tabs in Taylor, Jr. as taught by Brundage to allow stacking easily.

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Allowable Subject Matter

6. Please note that the allowability of claims 3-4, 18-21, and 23 are withdrawn in view of the new reference.
7. Claims 3, 22, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 10-16, 24, and 25 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai
Primary Examiner
Art Unit 3727

T.M. Mai